THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27301 OF 2005

DATED:22.12.2005

Between:

Kumba Venkateshwarlu and others

…Petitioners

And

The State of Andhra Pradesh, rep. by its

Secretary, Revenue Department,

Secretariat Buldgs., Hyderabad and others

…Respondents

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ORDER:

The three petitioners are statedly agricultural labour residing in Tenali. They also claim to be landless and homeless. It appears, sixty-five persons made an application to the authorities for allotment of house sites in the land comprised in S.Nos.10, 11/2(B), 13 and 14 of Chinnaravuru Village, in Tenali Municipality. In 1984, according to the petitioners, a socio economic survey was conducted for identifying the eligible beneficiaries and since then they have been making representations for allotment of house sites, in vain. In the meanwhile, one N.Venkata Ratnam filed W.P.No.12961 of 1999. By order dt.28.7.1999 this Court disposed of the Writ Petition directing the authorities to consider the representations made by persons for allotment of house sites. Thereafter, the petitioners made

another representation in the year 1999 enclosing a copy of the order of this Court in W.P.No.12961 of 1999. The Government, then allotted house sites to ten persons, but no such allotment was made to other fifty-five persons. It is the further case of the petitioners that on 20.4.2005 the petitioners and others made another representation for house sites, but recently the land in S.No.11/2(A) is being handed over to Vijayawada Urban Development Authority for construction of houses under Rajiv Gruha Kalyan Scheme. Therefore, apprehending that their claim for allotment of house sites in the land S.No.11/2(A) will not be considered, present Writ Petition is filed seeking a direction to the respondents to allot house sites in S.No.11/2(A). In the interlocutory application, being W.P.M.P.No.35068 of 2005 the petitioners also seek a direction to the respondents not to alienate the land in S.No.11/2(A) of Chinnravuru Village to any Government society. In another application being W.P.M.P.No.35069 of 2005 the petitioners seek interim direction to respondents to allot house site pattas to petitioners and other similarly situated persons in the land comprised in S.No.11/2(A).

Heard the learned Assistant Government Pleader for Revenue (Assignment) and the learned Standing Counsel for Tenali Municipality.

Except making averments that since 1984 the petitioners and similarly situated persons have been making representations for allotment of house sites, no material is placed before this Court in support of the right of the petitioners, which is sought to be enforced. It is no doubt true that every landless poor person or homeless person has right to approach the Government for allotment of house site or a constructed house, but no such right is recognized in law in enforcement of which a person can compel the State to allot a particular land as per the choice of the person. Even according to the petitioners pursuant to orders of this Court in W.P.No.12961 of 1999 land was allotted to ten persons in a different place. Therefore, the petitioners cannot seek any Mandamus to enforce a right, which does not exist. Secondly, statedly the land in S.No.11/2(A) is now earmarked for construction of houses under Rajiv Gruha Kalyan Scheme, which is meant for providing houses for persons like petitioners. Therefore, interest of justice would be sub-served by directing the implementing agency – be it Mandal Revenue Officer or Commissioner of Tenali Municipality – to consider the case of the petitioners for allotment of houses under Rajiv Gruha Kalyan Scheme as and when houses are ready. This is subject to petitioners satisfying the eligibility criteria for allotment of houses under the said scheme.

The Writ Petition with the above observations and directions is accordingly disposed of.

(V.V.S.RAO, J)

22.12.2005

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